



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/507,365

09/20/2004

Junichi Sato

P25867

4082

7055

7590

12/27/2005

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

BALAOING, ARIEL A

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/507,365

Applicant(s)

SATO ET AL.

Examiner

Ariel Balaoing

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-24 is/are allowed.
- 6) ☒ Claim(s) 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/6/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25-30 are rejected under 35 U.S.C. 102(b) as being anticipated by JOHNSON et al (WO 99/59363).

Regarding claim 25, JOHNSON discloses an information acquiring system in which a terminal apparatus acquires content related to a position in a predetermined region transmitted from a server (abstract; page 5, 17-21), comprising: a position information receiver that receives position information of the terminal apparatus (page 5, 17-21, 25); and a content list transmitter that identifies acquisition-scheduled content based on the position information, the acquisition-scheduled content being content related to at least one expected future position of the terminal apparatus where the terminal apparatus is unable to communicate with the server, a content list being generated and transmitted to the terminal apparatus, the content list including at least one address associated with the acquisition-scheduled content and at least one position (page 5, 17-21, 31-32, 37-40), wherein the terminal apparatus (mobile node) comprises: a position detector that detects a position of the terminal apparatus (page 18-20, 25); a position information transmitter that transmits the detected position to the server (page 18-20, 25); a content list receiver that receives the content list transmitted from the

server (page 11-15, 34, 37-40); and a content acquirer that acquires the acquisition-scheduled content using the address associated with the acquisition-scheduled content included in the content list (page 11-15, 34, 37-40).

Regarding claim 26, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. JOHNSON further discloses wherein the position information transmitter of the terminal apparatus transmits a request for the content list to the server (page 18-20).

Regarding claim 27, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. JOHNSON further discloses wherein the server comprises a content list receiver that receives the request for the content list from the terminal apparatus (page 37-40).

Regarding claim 28, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. JOHNSON further discloses wherein the position detecting section of the terminal apparatus detects a moving direction and moving speed of the terminal apparatus, and the position information transmitting section transmits the moving direction and moving speed of the terminal apparatus to the server (page 5, 17-21, 25).

Regarding claim 29, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. JOHNSON further discloses wherein the acquisition-scheduled content comprises content related to at least one expected future position of the terminal apparatus where the terminal is unable to communicate with the server (page 11-15, 34, 37-40).

Regarding claim 30, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. JOHNSON further discloses wherein the content list transmitting section determines which of the at least one expected future position of the terminal apparatus is located in an area where the terminal apparatus will be unable to communicate with the server, and identifies acquisition-scheduled content associated with the determined at least one expected future position (page 11-15, 34, 37-40).

Allowable Subject Matter

3. Claims 14-24 are allowed.
4. The following is an examiner's statement of reasons for allowance:
5. Regarding independent claim 14, the prior art of record does not disclose wherein a content list transmitting section sets, as acquisition-scheduled content, content in response to a position in which the content is expected to be referred to after moving and which is outside a communication-capable area, from the position received in the position information receiving section, and generates a content list storing at least one of a pair of an address associated with the acquisition-scheduled content and a position to transmit to the terminal apparatus.

Regarding independent claim 21, the prior art of record does not disclose a content acquiring section that acquires acquisition-scheduled content, using an address associated with acquisition-scheduled content stored in the content list, the acquisition-scheduled content corresponding to a position in which content is expected to be referred to after moving and which is outside a communication-capable area.

Regarding claims 15-20 and 22-24, these claims are allowed as being dependent on an allowed independent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-

Art Unit: 2683

7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ariel Balaoing
Art Unit 2683
Patent Examiner

AB



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600